

CIVIL COVER SHEET

JS 44C/SDNY
REV. 06/01/17

18 CV 8250

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
Winklevoss Capital Fund, LLCDEFENDANTS
Charles ShremATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Tyler Meade, Esq. 415-724-9600
12 Funston Ave., Suite A
San Francisco, CA 94129ATTORNEYS (IF KNOWN)
UnknownCAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Breach of fiduciary duty, fraud, imposition of a constructive trust, and accounting pursuant to diversity jurisdiction under 28 U.S.C. § 1332(a)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 825 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] PHARMACEUTICAL PERSONAL	[] SEIZURE OF PROPERTY	[] 28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] LIABILITY	[] INJURY/PRODUCT LIABILITY	[] 21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 365 PERSONAL INJURY	[] 690 OTHER	[] 28 USC 157	[] REAPPORTMENT
[] INSTRUMENT	[] SLANDER	[] 388 ASBESTOS PERSONAL			[] 410 ANTITRUST
[] 150 RECOVERY OF	[] 330 FEDERAL	[] INJURY PRODUCT			[] 430 BANKS & BANKING
[] OVERPAYMENT &	[] EMPLOYERS'	[] LIABILITY	PROPERTY RIGHTS		[] 450 COMMERCE
[] ENFORCEMENT	[] LIABILITY		[] 820 COPYRIGHTS		[] 460 DEPORTATION
[] OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 830 PATENT		[] 470 RACKETEER INFLU-
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] ENCED & CORRUPT
[] 152 RECOVERY OF	[] LIABILITY	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK		[] ORGANIZATION ACT
[] DEFAULTED	[] 350 MOTOR VEHICLE				[] (RICO)
[] STUDENT LOANS	[] 355 MOTOR VEHICLE				[] 480 CONSUMER CREDIT
[] (EXCL VETERANS)	[] PRODUCT LIABILITY				[] 490 CABLE/SATELLITE TV
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	SOCIAL SECURITY	
[] OVERPAYMENT	[] INJURY	[] PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 861 HIA (1395f)	[] 850 SECURITIES/
[] OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	[] STANDARDS ACT	[] 862 BLACK LUNG (923)	[] COMMODITIES/
[] BENEFITS	[] MED MALPRACTICE	[] PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 863 DIWC/DIWW (405(g))	[] EXCHANGE
[] 160 STOCKHOLDERS			[] RELATIONS	[] 864 SSID TITLE XVI	
[] SUITS			[] 740 RAILWAY LABOR ACT	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY
[] 190 OTHER	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 751 FAMILY MEDICAL		[] ACTIONS
[] CONTRACT	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 790 OTHER LABOR	FEDERAL TAX SUITS	[] 891 AGRICULTURAL ACTS
[] 195 CONTRACT	[] 440 OTHER CIVIL RIGHTS	[] 510 MOTIONS TO	[] 791 EMPLOYMENT INC	[] 870 TAXES (U.S. Plaintiff or	
[] PRODUCT	(Non-Prisoner)	[] 530 HABEAS CORPUS	[] UTIGATION	[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL
[] LIABILITY		[] 535 DEATH PENALTY	[] SECURITY ACT (ERISA)	[] 26 USC 7809	[] MATTERS
[] 196 FRANCHISE		[] 540 MANDAMUS & OTHER			[] 895 FREEDOM OF
					[] INFORMATION ACT
REAL PROPERTY			IMMIGRATION		[] 896 ARBITRATION
[] 210 LAND	[] 441 VOTING	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		[] 899 ADMINISTRATIVE
[] CONDEMNATION	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	[] APPLICATION		[] PROCEDURE ACT/REVIEW OR
[] 220 FORECLOSURE	[] 443 HOUSING/	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION		[] APPEAL OF AGENCY DECISION
[] 230 RENT LEASE &	[] 445 AMERICANS WITH	[] 560 CIVIL DETAINEE			[] 950 CONSTITUTIONALITY OF
[] EJECTMENT	[] DISABILITIES -	[] CONDITIONS OF CONFINEMENT			[] STATE STATUTES
[] 240 TORTS TO LAND	[] EMPLOYMENT				
[] 245 TORT PRODUCT	[] 448 AMERICANS WITH				
[] LIABILITY	[] DISABILITIES -OTHER				
[] 290 ALL OTHER	[] 448 EDUCATION				
[] REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ >98 million OTHER or 5,000 BTC JUDGE Hon. Jed S. Rakoff DOCKET NUMBER 14 CR 00243

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

- ORIGIN**
- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation (Transferred) ☐ 7 Appeal to District Judge from Magistrate Judge ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

- BASIS OF JURISDICTION**
- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION ☒ 4 DIVERSITY (U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] [] 1 [] [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] [] 3 [] [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] [] 5 [] [] 5
CITIZEN OF ANOTHER STATE	[x] 2 [x] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Winklevoss Capital Fund, LLC
301 N. Market Street, Suite 1463
Wilmington, DE 19801

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Charles Shrem
536 North Spoonbill Drive
Sarasota, FL 34236

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 9/10/18

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[x] YES (DATE ADMITTED Mo April Yr 2016)
Attorney Bar Code # TM1968

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)